

REMARKS

Claims 1, 2, 4, 5, 10 and 12 are now in the case. Of these claims, Claim 1 is the sole independent claim, Claims 2, 4, 5, 10 and 12 depending therefrom.

Claim 1 has been substantially amended and clearly recites a combination of structural elements and cooperative relationships therebetween not suggested or taught by the art of record, whether taken alone or in combination. The claimed apparatus is for supporting an individual and selectively alternatively employable as either a creeper or a stepladder.

The claim now recites at least one locking hinge hingedly connecting the proximal end of the first platform portion to the proximal end of the second platform portion with the first and second platform portions being selectively moveable relative to one another about said at least one locking hinge to form either a creeper configuration wherein the first and second platform portions are substantially co-planar or a stepladder configuration wherein the first and second platform portions define an angle therebetween of less than 180 degrees and more than 0 degrees and said apparatus is supported by and extends upwardly from the spaced distal ends of the angularly disposed first platform portion and the second platform portion. The at least one locking hinge is claimed as being cooperable with the first platform portion and the second platform portion to

selectively alternatively lock the first platform portion and the second platform portion against relative movement both when the first platform portion and the second platform portion are in the creeper configuration or in the stepladder configuration.

The claim now also recites that at least one of the first and second platform portions define foot holes completely extending therethrough for receiving feet of an individual climbing the apparatus when the first and second platform portions are locked by the at least one locking hinge in the stepladder configuration.

Claim 1, as originally presented, was rejected as being clearly anticipated by Liu.

Liu does not teach or suggest the combination of structural elements and cooperative relationships now set forth in amended Claim 1.

First of all, Liu does not provide any suggestion whatsoever of apparatus selectively alternatively employable as either a creeper or a stepladder. The Liu "multi-purpose repair assembly" can be utilized in a flat configuration wherein an individual can be supported by casters extending from the bottom of the two platforms of the device. If desired, the platforms can be moved about a hinge and locked into a single position wherein the platforms are essentially at 90 degree angles with respect to one another and the repair assembly can function as a

deck chair. In addition, the platforms can be completely swung together to form a closed carrier unit for transporting tools and the like. In this closed condition, the casters of the assembly are housed in indentations or recesses in the platforms divided by a cavity having a drawer therein for holding tools.

The cavities and indentations are not suitable for use as foot holes nor are they intended for such purpose. Liu makes no such suggestion. The indentations appear to be quite shallow and cannot suitably function as foot holes as recited in Claim 1, wherein the foot holes completely extend through at least one of the first and second platform portions. Furthermore, the only time the cavities and indentations of Liu are disposed outwardly is when one of the platforms is elevated vertically at a 90 degree angle relative to the other platform extending parallel to a support surface. Such an arrangement is clearly not functional as a stepladder.

Then too, the hinge of Liu is not utilized to lock the platform portions against movement when the portions are disposed in a common plane and the assembly performs a creeper-like function. In amended Claim 1, the at least one locking hinge is recited as cooperable with the first platform portion and the second platform portion to prevent relative movement therebetween whether in the creeper configuration or in the stepladder configuration.

Wang does not remedy the deficiencies of Liu as a reference. Wang shows a foldable baby chair, an art completely removed from that of applicant's claimed invention. There is no suggestion in Wang of either a creeper or a stepladder. Applicant readily concedes that locking hinges per se are well known; however, the combination of Liu and Wang provide no suggestion or teaching whatsoever of utilizing such expedient along with the other unique structural elements of the claimed structural combination as set forth in Claim 1. Such combination is novel and unobvious.

Claim 2 depends from Claim 1 and recites two locking hinges spaced from one another connecting the proximal ends of the first platform portion and the second platform portion. The arguments with respect to Claim 1 provided above have equal application to Claim 2.

Claim 4 depends from Claim 1 and states that the foot holes, which are described in Claim 1 as completely extending through at least one of the first and second platform portions, have an elongated, rectangular configuration. While such configuration per se may not be novel, it is submitted that applicant is entitled to this claim to round out the scope of protection to which he is entitled and as afforded by amended parent Claim 1 incorporated by reference into Fig. 4.

Fig. 5 depends from Claim 1 and recites that the wheels comprise caster wheels, at least four caster wheels projecting downwardly from the bottom surfaces of each of the first and second platform portions, each of the first and second platform portions including a plurality of upwardly projecting fenders defining fender interiors accommodating portions of the caster wheels, a pivotal interconnection existing between the caster wheels and fenders, and wherein the fenders define side fender openings communicating with the fender interiors. None of the references of record, including Liu and Hernandez et al, provide any suggestion whatsoever of this feature, the merits of which are discussed in the paragraph beginning on line 18, page 6, of the specification of this application.

Claim 10 depends from Claim 1 and recites that the apparatus additionally comprises support surface engagement projections projecting from the distal ends of the first and second platform portions, the support surface engagement projections for engaging a floor or other support surface to support the apparatus when the first and second platform portions are in the stepladder configuration to resist slippage of the apparatus on the support surface.

None of the references of record, including Liu, provide any teaching of this feature. As discussed above, Liu does not attain a stepladder configuration and cannot be utilized

as a stepladder.

Claim 12 depends from Claim 1 and recites that the top surfaces of the first platform portion and the second platform portion face outwardly and away from each other and wherein the bottom surfaces of the first platform portion and the second platform portion face inwardly and toward each other when the first platform portion and the second platform portion are in the stepladder configuration.

This feature is not taught or suggested by the art of record. The orientations of the first and second platform portions as set forth in Claim 12 ensures that the caster wheels 40 of applicant's apparatus are directed inwardly and positioned at protected locations where the caster wheels will not interfere with use of the apparatus as a stepladder.

In summary, all claims now in the case are considered to clearly patentably define over the art of record, whether taken alone or in combination. Allowance of all claims is believed to be in order and such action is earnestly solicited.

Respectfully submitted,

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